

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2009-094766

02/15/2011

HONORABLE HELENE ABRAMS

CLERK OF THE COURT  
K. Depue  
Deputy

IN RE THE MATTER OF  
STEPHANIE BETH HULSING

STEPHANIE BETH HULSING  
NO ADDRESS ON RECORD

AND

MARK AARON HULSING

BARBARA L FUQUA

GERALD CHIRNOMAS  
and  
NISKA CHIRNOMAS

LON S TAUBMAN

TRIAL RESET

Courtroom 204 – SE

Prior to commencement of today's proceeding, Respondent's exhibits 1 through 36 and Intervenor's exhibits 37 through 58 are marked for identification.

1:32 p.m. This is the time set for Trial on *Intervenor's Amended Petition for Custody, Parenting Time and Child Support (In Loco Parentis)* filed June 24, 2010 and Resolution Management Conference on Intervenor's *Petition for Grandparent Visitation* filed October 18, 2010. Respondent/Father is present with above-named counsel. Intervenor/Grandparents are present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

Oral arguments are presented regarding the Motion to Compel.

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The court finds the requests in the Motion to Compel have been satisfied. Therefore,

IT IS ORDERED denying the Motion to Compel.

Because the requests for discovery have been met, the Motion for Sanctions is denied. The court also finds the Certificate is not in compliance with the requirements of the Rule.

Discussion is held.

With regards to the Motion to Continue,

IT IS ORDERED granting the Motion to Continue the Trial set for today.

Discussion is held.

With regards to the Motion for Telephonic Appearance by Witnesses,

The court will hold the Motion for Telephonic appearance of Ms. Hinkleman, Ms. Finny, Dr. Holsing and Ms. Cooper until the new trial date.

Discussion is held.

With regards to the Subpoenas and Objections filed 02/08/2011 and the Motion for Protective Order,

The parties have indicated they will speak to Dr. Weinstock regarding Respondent's requests in the subpoena issued and the Motion for Protective Order will be held until trial.

With regards to the Motion to Seal,

IT IS ORDERED that the Motion for Relief from Judgment, Response, Motion to Seal Motion shall be filed as a confidential court report.

Discussion is held.

IT IS ORDERED setting an Oral Argument on **April 26, 2011 at 1:30 p.m. (time allotted: 2 hours)** in this Division regarding the Motion for Relief from Judgment, the Request to Remove Dr. Weinstock and the Motion to Dismiss.

Discussion is held.

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With regards to the Request for investigation and Summary of Allegations filed by Dr. Russell Hulsing,

Pursuant to A.R.S. §32-2081(B),

The court finds that neither party filed this request and the court does not find any substantial basis to refer this matter to the board for any complaint for unprofessional conduct at this time.

Discussion is held.

IT IS ORDERED vacating the Trial scheduled for February 15, 2011 and resetting the same to **June 1, 2011 at 1:30 p.m. (time allotted: 3 hours)** regarding the Petition for *In Loco Parentis* in this division before the Honorable Helene Abrams at:

Maricopa County Superior Court  
Southeast Judicial District  
Courtroom 204  
222 E. Javelina Avenue  
Mesa, AZ 85210

**JOINT PRETRIAL STATEMENT**

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a **Joint** Pretrial Statement pursuant to Rule 6.5, Local Rules of Practice – Maricopa County (Domestic Relations Cases), no later than **7 days prior to trial**.

IT IS FURTHER ORDERED that both parties submit the following attachments to the Joint Pretrial Statement:

1. A current Affidavit of Financial Circumstances in accordance with Local Rule 6.4(b), accompanied by copies of federal income tax returns for the past two years along with W-2 or 1099 forms and copies of the last four pay stubs.
2. A current Parent's Worksheet for Child Support Amount pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation.

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4. If there are disputed issues regarding division of property, a current and detailed inventory and appraisal of property and assets of the parties, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the Court prefers a one page statement of all property except personal property items valued at less than \$500.00 each. If division of the marital residence is at issue at trial, the party seeking to be awarded the marital residence shall offer as an exhibit at trial the true and accurate legal description of the property.
5. A list of debts with balances.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure, and Local Rule 6.6, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**EXHIBITS**

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court's Clerk in Courtroom 204 **no later than 7 days before trial with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 204. **All exhibits must be clearly identified, stapled separately and separated by a COLORED sheet of paper.** The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. **Any exhibits not submitted at least seven (7) days prior to the trial may not be accepted and/or marked prior to trial. Absent good cause, failure to submit all exhibits by that date will result in those items being prohibited from being utilized at the trial.**

NOTE: If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pretrial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that

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will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted. At the time of trial all exhibits which the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pretrial Statement shall be summarily admitted.

**FINDINGS OF FACT**

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, **shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial.** Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than ten days prior to trial.

**SETTLEMENT**

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court in accordance with Rule XII(b), Uniform Rules of Practice, and Maricopa County Local Rules 2.10(b) and 3.6(c).

The Court notes that if either party fails to appear at trial, default judgment may be entered against him or her and/or the matter may proceed at that time to trial or to a default judgment hearing under Rule 55(b)(2).

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits **30 days prior to the trial date. (If there is not enough time before trial, confer with the Judge).**
2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed **30 days prior to the trial date. (If there is not enough time before trial, confer with the Judge).**
3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

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4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

LET THE RECORD REFLECT that the clerk of this division shall retain the exhibits for the parties use on June 1, 2011.

2:20 p.m. Matter concludes.

**LATER:**

On the Court's own motion,

IT IS ORDERED vacating the Resolution Management Conference set for February 15, 2011, and resetting the same to **April 26, 2011 at 1:30 p.m. (time allotted: 30 minutes)** in this division.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.